

DEC. 17. 2004 8:30AM AVENTIS US PAT DEPT  
TO: US USPTO GENERAL

NO. 0697 P. 1

PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/761,982
Filing Date	January 21, 2004
First Named Inventor	Michel TABART et al.
Art Unit	1626
Examiner Name	STOCKTON, Laura Lynne
Attorney Docket Number	ST01021 US CNT

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### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="border: 1px solid black; padding: 5px;">1) Response to Restriction Requirement under 35 USC 121, Reconsideration of Restriction and Provisional Election of Invention under 37 CFR 1.143 - 5 pgs. 2) International Preliminary Examination Report (In French) - 6 pgs.</div>
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Attachments: 1) Response to Restriction Requirement under 35 USC 121, Reconsideration of Restriction and Provisional Election of Invention under 37 CFR 1.143 - 5 pgs. 2) International Preliminary Examination Report (In French) - 6 pgs.	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AVENTIS PHARMACEUTICALS INC.		
Signature			
Printed name	Lawrence L. Martin	Reg. No.	46,902
Date	December 17, 2004		

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. (USPTO FAX NO. 703-872-9306 ; Total No. of Pages Transmitted: 12 )

Signature		Date	December 17, 2004
Typed or printed name	Bonnie Stein		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO, Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AVENTIS US PAT DEPT

NO. 0697 P. 2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 17 2004

In re Application of

Michel TABART, et al.

Examiner: Laura Stockton

Application No.:

10/761,982

Art Unit: 1626

Filed:

1/21/2004

Title: Indazole or indole derivatives, and use thereof in human medicine and more particularly in oncology

TELEFAX CERTIFICATE

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December 17, 2004

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Bonnie Stein  
Signature

Response to Restriction Requirement under 35 U.S.C. § 121,  
Reconsideration of Restriction and Provisional Election of  
Invention under 37 C.F.R. 1.143

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action, dated, November 18, 2004, having a response due by December 18, 2004, in the above-identified patent application. It is respectfully requested that the following provisional election and remarks be entered in this case.

**PROVISIONAL ELECTION OF INVENTION UNDER 37 C.F.R. 1.143:**

Applicants provisionally elect with traverse the invention Group IV, claims 1-22 and 35, drawn to products of formula (1) or formula (2) wherein X and Y are each N; and the Ar attached to the fused cyclohexenyl ring in the formulas is a phenyl, classified in class 548, subclass 356.1+.